

Ronald E. Stadtmueller (140720)  
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Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re:

EZEKIEL AARON MORENO and

CHRISTINA MICHELLE MORENO,

Debtor.

Case No.: 10-19557-MM7

Chapter 7

**NOTICE OF MOTION AND MOTION TO  
COMPEL COOPERATION AND  
TURNOVER OF PROPERTY**

**Date: December 12, 2011**

**Time: 10:00 a.m.**

**Dept.: 1**

**Honorable Margaret M. Mann**

NOTICE IS HEREBY GIVEN that on December 12, 2011, at 10:00 a.m., in Department one (1) of the United States Bankruptcy Court, Southern District of California, 325 West "F" Street, San Diego, California, the Honorable Margaret M. Mann, Bankruptcy Judge, presiding, a hearing will be held on the Trustee's Motion to Compel Cooperation and Turnover of Property.

This bankruptcy case was commenced on November 1, 2010, under Chapter 7 of the United States Bankruptcy Code. Ronald E. Stadtmueller, the chapter 7 Trustee (the "Trustee") was appointed as Trustee on or about the same date.

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2 The assets in this bankruptcy estate include, without limitation, a portion of the debtors 2010  
3 Federal Tax Refund in the amount of \$13,011.00, and 2010 State Tax Refund in the amount of  
4 \$1,376.00 ("Tax Refunds"). These Tax Refunds were due the Debtor at the time of his bankruptcy  
5 filing, and the Debtor has no available exemption in these Tax Refunds. Debtors' petition was filed on  
6 November 1, 2010, the 305<sup>th</sup> day of the tax year, thus 305/365<sup>th</sup> of the refunds are property of the estate.  
7 Total refund due to Debtors \$14,387.00 (\$13,011.00 plus \$1,376.00) times 305/365 equals \$12,022.01.

8 The Trustee has made numerous requests to have the Debtor turnover these Tax Refunds, but  
9 the Debtor has failed to comply with the Trustee's requests.

10 The Trustee's Motion requests an order compelling the Debtor to cooperate with the Trustee  
11 and immediately turnover the non-exempt 2010 Federal Tax Refund and 2010 State Tax Refund in the  
12 combined amount of \$12,022.01, to the bankruptcy estate.

13 Any opposition to this motion must be filed with the Bankruptcy Court and served on the  
14 undersigned no later than 14 days from the date this motion is served (there is an additional three (3)  
15 days allowed for service by mail). Failure to file an opposition will be deemed a consent to the motion.  
16 This motion is supported by this Notice of Motion and Motion, the Memorandum of Points and  
17 Authorities in Support, and the Declaration of Ronald E. Stadtmueller, together with all pleadings and  
18 court documents on file in this case. Any party wanting to obtain a copy of these documents may make  
19 a written request of the undersigned and a copy will be provided to you or you can obtain a copy from  
20 the clerk of the Bankruptcy Court, 325 West "F" Street, San Diego, California during the Court's  
21 business hours.

22 Dated: October 18, 2011

By:   
Ronald E. Stadtmueller  
Chapter 7 Trustee